

SENATE FILE NO. SF0135

Risk management.

Sponsored by: Senator(s) Bebout, Case, Cooper and Vasey
and Representative(s) Brown, Childers,
Miller, Quarberg and Simpson

A BILL

for

1 AN ACT relating to environmental quality; providing for
2 risk assessments and risk management in the adoption of
3 solid and hazardous waste rules, standards, permitting
4 systems and policies; providing definitions; making
5 conforming amendments; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 35-11-523 and 35-11-524 are created
10 to read:

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12 **35-11-523. Risk management and risk assessment in**
13 **considering rules, regulations, standards, permitting**
14 **systems and policies.**

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1 (a) Notwithstanding any other provisions of this
2 article to the contrary, prior to considering a
3 recommendation or petition to adopt, amend or repeal rules,
4 regulations, standards, permitting systems or policies, the
5 board and council shall give notice and receive public
6 comment on a risk assessment related to the recommendation
7 or petition. If the board or council determine that the
8 risk assessment does not accurately or adequately identify
9 and evaluate all the data and criteria required under W.S.
10 35-11-524(b), then prior to considering the recommended or
11 requested rules, regulations, standards, permitting systems
12 or policies, the board or council shall direct the
13 department to collect data and perform such evaluations as
14 the board or council deems are necessary to prepare an
15 accurate and adequate revised risk assessment.

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17 (b) The council shall give notice, receive public
18 comment, and determine that the revised risk assessment is
19 accurate and adequate under W.S. 35-11-524(b) prior to
20 proceeding with consideration of the recommendation or
21 petition to adopt, amend or repeal rules, regulations,
22 standards, permitting systems or policies.

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1 (c) The council shall make risk management decisions
2 based on a risk assessment in adopting, amending or
3 repealing rules, regulations, standards, permitting systems
4 or policies.

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6 (d) A decision by the council that the risk
7 assessment is accurate and adequate under W.S. 35-11-524(b)
8 shall be a final decision of the agency.

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10 **35-11-524. Risk management; risk assessment.**

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12 (a) The goal of risk management shall be to manage
13 environmental risks, not to eliminate them. A risk
14 management decision shall be based upon a risk assessment
15 in the adoption, amendment or repeal of rules, regulations,
16 standards, permitting systems or policies and when a risk
17 assessment is requested by the applicant under W.S.
18 35-11-801(a). When a risk management decision is made it
19 shall be a final decision of the agency.

20

21 (b) A risk assessment shall explain the department's:

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1 (i) Investigation and verification of the
2 existence of an actual and significant environmental
3 problem;

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5 (ii) Determination of reasonable toxicological
6 endpoints;

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8 (iii) Data demonstrating background conditions
9 and measurable adverse impacts due to pollution;

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11 (iv) Identification and analysis of the exposure
12 of humans, plants and animals to pollution and the degree
13 of exposure;

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15 (v) Evaluation of the statistical relevance of
16 toxicity data;

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18 (vi) Characterization of the nature and severity
19 of the risk and if the risk is acute or chronic;

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21 (vii) Comparison of data on exposure and
22 effects;

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1 (viii) Calculation of the probability of risk
2 that pollution will cause measurable harm to reasonable
3 toxicological endpoints; and
4

5 (ix) Analyses of the range of alternative risk
6 management decisions and the selection of a recommended
7 decision based upon the identification and evaluation of:
8

9 (A) The reasonableness of the pollution
10 involved;
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12 (B) The character and degree of injury to,
13 or interference with the health and physical well being of
14 the humans, animals and plants;
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16 (C) The social and economic value of the
17 source of pollution;
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19 (D) The priority of location in the area
20 involved;
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22 (E) The technical practicability and
23 economic reasonableness of reducing or eliminating the
24 source of the pollution;

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2 (F) The social welfare and aesthetic value;
3 and

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5 (G) The effect upon the environment.

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7 **Section 2.** W.S. 35-11-103(d) by creating new
8 paragraphs (viii) and (ix), 35-11-109(a)(iv) and
9 35-11-801(a) are amended to read:

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11 **35-11-103. Definitions.**

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13 (d) Specific definitions applying to solid waste
14 management:

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16 (viii) "Risk assessment" means a report prepared
17 by the department in conformance with W.S. 35-11-524(b);

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19 (ix) "Risk management" means a decision made by
20 the administrator, director, board or council pursuant to
21 W.S. 35-11-523.

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23 **35-11-109. Powers and duties of director.**

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1 (a) In addition to any other powers and duties
2 imposed by law, the director of the department shall:

3
4 (iv) Conduct, encourage, request and participate
5 in, studies, surveys, investigations, research,
6 experiments, training and demonstrations by contract, grant
7 or otherwise; prepare a solid and hazardous waste risk
8 assessment prior to the adoption, amendment or repeal of
9 any solid and hazardous waste rules, standards, permitting
10 systems or policies, or upon request of the applicant under
11 W.S. 35-11-801(a); prepare and require permittees to
12 prepare reports and install, use and maintain any
13 monitoring equipment or methods reasonably necessary for
14 compliance with the provisions of this act; collect
15 information and disseminate to the public such information
16 as is deemed reasonable and necessary for the proper
17 enforcement of this act; and make solid and hazardous waste
18 risk management decisions in the issuance, denial,
19 amendment, suspension or revocation of solid and hazardous
20 waste permits and licenses, and in the adoption, amendment
21 or repeal of solid and hazardous waste rules, regulations,
22 standards, permitting systems or policies;

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24 **35-11-801. Issuance of permits and licenses.**

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2 (a) When the department has, by rule or regulation,
3 required a permit to be obtained it is the duty of the
4 director to issue such permits upon proof by the applicant
5 that the procedures of this act and the rules and
6 regulations promulgated hereunder have been complied with.
7 In granting permits, the director shall, upon the request
8 of the solid and hazardous waste applicant, prepare a risk
9 assessment. In granting solid and hazardous waste permits,
10 the director shall make risk management decisions and for
11 any permit, may impose such conditions as may be necessary
12 to accomplish the purpose of this act which are not
13 inconsistent with the existing rules, regulations and
14 standards. An administrator shall not issue permits and may
15 issue a license under this act only as specifically
16 authorized in this act.

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18 **Section 3.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

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23

(END)